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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC–304, THE CAPITOL
WASHINGTON, DC 20515
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DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

October 8, 2018

VIA ELECTRONIC MAIL

The Honorable Dan Coats
Director
Office of National Intelligence of National Intelligence
Washington, DC 20511

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, DC 20535

The Honorable David J. Glawe
Under Secretary for Intelligence & Analysis
Department of Homeland Security
Washington, DC 20528

The Honorable Russ Travers
Acting Director
National Counterterrorism Center
Washington, DC 20511

Dear Director Coats, Director Wray, Under Secretary Glawe, and Acting Director Travers:

A series of troubling media reports written this year describe different facets of what appears tantamount to a concerted effort by the Trump Administration to suppress intelligence analysis or other fact-based findings that assess the supposed threat refugee or immigrant populations pose to U.S. national security. These articles also document an apparent parallel drive by administration officials to either discount or warp such analyses and data in service of an agenda aimed at villainizing foreign-born individuals lawfully in this country, as well as refugees with bona fide justifications for seeking either asylum or resettlement from their home countries.

As the heads of relevant Intelligence Community elements, I ask that you carefully review the episodes described by these media outlets and respond to the questions posed below.

- Last month, NBC News cited three former officials in reporting that the Trump Administration may have exaggerated the potential security risk presented by refugees and even dismissed a National Counterterrorism Center (NCTC) intelligence assessment last year that found that refugees did not present a significant threat to the United States. Instead, Trump-aligned political appointees, under the joint header of the Department of Justice (DOJ) and Department of Homeland Security (DHS), reportedly in response to that NCTC assessment, issued the January report – "Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry Into the United States, Initial Section 11 Report" – which several former officials said misstates evidence and inflates the threat posed by people born outside the U.S.[1]

  After that report's release, I joined with other senior Members to sign a letter addressed to Secretary Nielsen and Attorney General Sessions pointing out the January 16, 2018 report's flaws and data distortions.[2] We wrote that the underlying intent of the report appeared to be an attempt to bolster the President's political rhetoric castigating immigrants by suggesting a bogus correlation between immigration and terrorism in the United States. An article in the Daily Beast that appeared shortly after the report's issuance reported that "DHS'[s] analysts did not contribute to the highly controversial report," suggesting that professional analysts were bypassed in favor of producing a document that would serve the President's political ends.[3]

- On August 24 of this year, NBC News reported that the U.S. was on track to admit roughly 20,000 to 21,000 refugees by the end of September, far below a ceiling set at 45,000 by administration officials last year. The report cites former officials and aid organizations who claim, "the administration has overloaded the FBI and other government agencies with an array of procedures that have weighed down the bureaucracy and effectively delayed refugee admissions." One former official identified the slow pace of security vetting by the FBI as the primary cause for the sharp drop in refugee admissions.[4]

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[1] "Trump admin rejected report showing refugees did not pose major security threat," *NBC News*, September 5, 2018: https://www.nbcnews.com/politics/immigration/trump-admin-rejected-report-showing-refugees-did-not-pose-major-n906681

[2] Letter to Secretary Nielsen and Attorney General Sessions, January 26, 2018: https://democrats-homeland.house.gov/sites/democrats.homeland.house.gov/files/documents/nielsensessions.pdf

[3] Spencer Ackerman, "Team Trump Bypassed DHS Analysts to Produce Bogus Terror Report," Daily Beast, January 21, 2018: https://www.thedailybeast.com/team-trump-bypassed-dhs-analysts-to-produce-bogus-terror-report

[4] "Trump admin intentionally slowing FBI vetting of refugees," *NBC News*, August 24, 2018: https://www.nbcnews.com/politics/immigration/trump-admin-intentionally-slowing-fbi-vetting-refugees-ex-officials-say-n903346

- An article from Reuters last month, relying on accounts from five current or former officials, buttresses the above NBC report by describing the State Department's decision to limit requests for advanced checks to 500 persons per month worldwide due to a "backlog."[5]

  That same Reuters article quoted a DHS spokesperson as characterizing "security improvements in the refugee program" as "undoubtedly mak[ing] Americans safer," without providing specifics. The Reuters journalists further described a "full examination of screening procedures," which "concluded that refugees from all countries could safely be allowed to enter with some tightening of vetting, according to seven current or former U.S. officials."

The totality of the above suggests that the administration may be establishing policy based on unsupported theories and implementing purposefully onerous bureaucratic procedures designed to justify reduced admissions, while outright rejecting or distorting finished intelligence products or fact-based analysis in the process. This is especially concerning given the President's National Security Presidential Memorandum 9 (NSPM-9), which directs the Director of National Intelligence and relevant heads of the Intelligence Community to create a "support element to coordinate all IC efforts to use classified intelligence and other relevant information within IC holdings in direct support" of the new National Vetting Center (NVC).[6]

The stated mission of the NVC may prove valuable as a centralized entity that consolidates different aspects of government vetting of foreign persons seeking entry to the United States. The media reports referenced above, however, engender little confidence that intelligence analysis produced or coordinated through the IC support element to the NVC would meaningfully inform reasoned administration decision-making on immigration and refugee policy.

To this end, I request all finished intelligence or other formal analyses produced by, coordinated with, or otherwise receiving input from, the Intelligence Community, to include CIA, DHS I&A, FBI, and NCTC, that address the threat to U.S. national security posed by refugees, immigrants, or other "foreign-born" individuals seeking lawful entry to the United States.

In addition, I submit the following questions:

1. Has the administration, at any point, whether through any official or unofficial channels, pressured Intelligence Community elements involved in vetting to modify, skew, de-emphasize, or withhold relevant intelligence analysis?

2. Has the administration, at any point, discounted, suppressed, or misrepresented Intelligence Community assessments or reporting to justify overly restrictive immigration

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[5] Yeganeh Torbati and Omar Mohammed, "Slamming the door - How Trump transformed U.S. refugee program," Reuters, September 12, 2018: https://www.reuters.com/article/us-usa-immigration-refugees-specialrepor/special-report-slamming-the-door-how-trump-transformed-us-refugee-program-idUSKCN1LS1H8

[6] "Presidential Memorandum on Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise," February 6, 2018: https://www.whitehouse.gov/presidential-actions/presidential-memorandum-optimizing-use-federal-government-information-support-national-vetting-enterprise/

and refugee admissions policies that may not necessarily correlate with the nature and scope of the threat those arriving individuals pose, as assessed by the Intelligence Community?

3. Since the start of the Trump Administration, have any Intelligence Community elements, including your agencies, reduced the number of personnel responsible for assisting in the vetting of refugees or other "foreign-born" individuals seeking lawful entry to the United States? And if so, why?

4. What, if any, procedures or internal processes were changed within the FBI or other IC elements that may have resulted in slower processing of refugee or immigration background checks? And were such changes based on factual findings or intelligence analysis, or were they precipitated by political pressure from administration appointees?

I also request a status update about the IC's support element to the NVC, to include a comprehensive update of all anticipated intelligence community contributions – to include personnel, resources, leadership – to the Center. Additionally, I request a detailed explanation of steps the Intelligence Community will take to ensure that the NVC support element's analytic production adheres to established tradecraft guidelines and is not discarded or distorted in the service of a political agenda.

I would appreciate fulfillment of this request and answers to my questions by no later than the close of business on **October 31, 2018.** Should you have any questions about the request, please contact the Committee at (202) 225-7690.

Sincerely,

Adam B. Schiff
Ranking Member